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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,349	07/05/2005	Yechiel Tal	29732	7758
7590		08/22/2007		
Martin Moynihan Anthony Castorina Suite 207 2001 Jefferson Davis Highway Arlington, VA 22202				
			EXAMINER ROBINSON, KEITH O NEAL	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/541,349	Applicant(s) TAL, YECHIEL	
	Examiner Keith O. Robinson, Ph.D.	Art Unit 1638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-106 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-106 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Applicant is advised that the reply to this requirement to be complete within one month (not less than 30 days) must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Group I, claim(s) 1-6 and 11-13, drawn to hybrid cotton plant designated 'INTERCOTT-35'.

Group II, claim(s) 7-10, drawn to a method of developing a hybrid cotton plant utilizing cotton lines A-195 and R-208 as breeding material.

Group III, claim(s) 14-16, drawn to a planted field comprising cotton plants A-195 and R-208.

Group IV, claim(s) 17, drawn to a planted field comprising cotton plants B-195 and R-208.

Group V, claim(s) 18-23 and 28-30, drawn to hybrid cotton plant designated 'INTERCOTT-51'.

Group VI, claim(s) 24-27, drawn to a method of developing a hybrid cotton plant utilizing cotton lines A-151 and R-208 as breeding material.

Group VII, claim(s) 31-33, drawn to a planted field comprising cotton plants A-151 and R-208.

Group VIII, claim(s) 34, drawn to a planted field comprising cotton plants B-151 and R-208.

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Group IX, claim(s) 35-40 and 45-47, drawn to hybrid cotton plant designated 'INTERCOTT-75'.

Group X, claim(s) 41-44, drawn to a method of developing a hybrid cotton plant utilizing cotton lines A-175 and R-208 as breeding material.

Group XI, claim(s) 48-50, drawn to a planted field comprising cotton plants A-175 and R-208.

Group XII, claim(s) 51, drawn to a planted field comprising cotton plants B-175 and R-208.

Group XIII, claim(s) 52-57 and 62-64, drawn to hybrid cotton plant designated 'INTERCOTT-34'.

Group XIV, claim(s) 58-61, drawn to a method of developing a hybrid cotton plant utilizing cotton lines A-34 and R-208 as breeding material.

Group XV, claim(s) 65-67, drawn to a planted field comprising cotton plants A-34 and R-208.

Group XVI, claim(s) 68, drawn to a planted field comprising cotton plants B-34 and R-208.

Group XVII, claim(s) 69-74 and 80-82, drawn to hybrid cotton plant designated 'INTERCOTT-145'.

Group XVIII, claim(s) 75-79, drawn to a method of developing a hybrid cotton plant utilizing cotton lines A-14 and R-205 as breeding material.

Group XIX, claim(s) 83-85, drawn to a planted field comprising cotton plants A-14 and R-205.

Group XX, claim(s) 86, drawn to a planted field comprising cotton plants B-14 and R-205.

Group XXI, claim(s) 87-92 and 97-100, drawn to hybrid cotton plant designated 'INTERCOTT-83'.

Group XXII, claim(s) 93-96, drawn to a method of developing a hybrid cotton plant utilizing cotton lines A-83 and R-208 as breeding material.

Group XXIII, claim(s) 101-103, drawn to a planted field comprising cotton plants A-83 and R-208.

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Group XXIV, claim(s) 104, drawn to a planted field comprising cotton plants B-83 and R-208.

Group XXV, claim(s) 105-106, drawn to a method of developing a hybrid cotton plant utilizing a first cotton plant selected from the group consisting of A-195, A-175, A-34, A-14 and A-83 and a second cotton plant selected from the group consisting of R-205 and R-208 as breeding material.

2. The inventions listed as Groups I-XXIV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The inventions are linked by the technical feature of hybrid cotton plants. However, this feature is not special because it does not constitute an advance over the prior art. Tal (U.S. Patent No. 5,516,979, May 14, 1996) teaches a hybrid cotton plant (see, for example, column 2, line 46 to column 4, line 13).
3. Furthermore, the special technical feature of Group I is considered to be hybrid cotton plant 'INTERCOTT-35'.
4. The special technical feature of group II is considered to be a hybrid cotton plant developed by utilizing cotton lines A-195 and R-208.
5. The special technical feature of group III is considered to be a planted field comprising cotton plants A-195 and R-208.
6. The special technical feature of group IV is considered to be a planted field comprising cotton plants B-195 and R-208.
7. The special technical feature of group V is considered to be hybrid cotton plant designated 'INTERCOTT-51'.

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8. The special technical feature of group VI is considered to be a hybrid cotton plant utilizing cotton lines A-151 and R-208 as breeding material.

The special technical feature of group VII is considered to be a planted field comprising cotton plants A-151 and R-208.

9. The special technical feature of group VIII is considered to be a planted field comprising cotton plants B-151 and R-208.

10. The special technical feature of group IX is considered to be a hybrid cotton plant designated 'INTERCOTT-75'.

11. The special technical feature of group X is considered to be a hybrid cotton plant produced by utilizing cotton lines A-175 and R-208 as breeding material.

12. The special technical feature of group XI is considered to be a planted field comprising cotton plants A-175 and R-208.

13. The special technical feature of group XII is considered to be a planted field comprising cotton plants B-175 and R-208.

14. The special technical feature of group XIII is considered to be a hybrid cotton plant designated 'INTERCOTT-34'.

15. The special technical feature of group XIV is considered to be a hybrid cotton plant produced by utilizing cotton lines A-34 and R-208 as breeding material.

16. The special technical feature of group XV is considered to be a planted field comprising cotton plants A-34 and R-208.

17. The special technical feature of group XVI is considered to be a planted field comprising cotton plants B-34 and R-208.

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18. The special technical feature of group XVII is considered to be a hybrid cotton plant designated 'INTERCOTT-145'.

19. The special technical feature of group XVIII is considered to be a hybrid cotton plant produced by utilizing cotton lines A-14 and R-205 as breeding material.

20. The special technical feature of group XIX is considered to be a planted field comprising cotton plants A-14 and R-205.

21. The special technical feature of group XX is considered to be a planted field comprising cotton plants B-14 and R-205.

22. The special technical feature of group XXI is considered to be a hybrid cotton plant designated 'INTERCOTT-83'.

23. The special technical feature of group XXII is considered to be a hybrid cotton plant produced by utilizing cotton lines A-83 and R-208 as breeding material.

24. The special technical feature of group XXIII is considered to be a planted field comprising cotton plants A-83 and R-208.

25. The special technical feature of group XXIV is considered to be a planted field comprising cotton plants B-83 and R-208.

26. The special technical feature of group XXV is considered to be a hybrid cotton plant produced by utilizing a first cotton plant selected from the group consisting of A-195, A-175, A-34, A-14 and A-83 and a second cotton plant selected from the group consisting of R-205 and R-208 as breeding material.

27. Therefore, for all the reasons discussed above Groups I-XXV lack unity.

Conclusion

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28. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable

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over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Contact Information

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith O. Robinson, Ph.D. whose telephone number is (571) 272-2918. The examiner can normally be reached Monday – Friday, 7:30 a.m. - 4:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached at (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Keith O. Robinson, Ph.D.

/Medina A. Ibrahim/
Primary Examiner
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